

Message Text

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ACTION AF-10

INFO OCT-01 EUR-12 IO-13 ISO-00 HA-05 CIAE-00 DODE-00
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C O N F I D E N T I A L LAGOS 14692

E.O. 11652: GDS
TAGS: PGOV, PDEV, NI
SUBJECT: CONSTITUENT ASSEMBLY ADJOURNS

REF: (A) LAGOS 14108, (B) LAGOS 13738, (C) LAGOS 13461,
(D) LAGOS 12733, (E) LAGOS 11589

BEGIN SUMMARY: THE DEBATE IN THE CONSTITUENT ASSEMBLY
ON GENERAL PRINCIPLES IN THE DRAFT CONSTITUTION HAS
ENDED AND THE CONSTITUENT ASSEMBLY HAS ADJOURNED FOR THE
CHRISTMAS HOLIDAYS. THE ASSEMBLY WILL BEGIN COMMITTEE
OF THE WHOLE CONSIDERATION OF THE DRAFT ON JANUARY 9.
COMMENT: SO FAR, SO GOOD. END SUMMARY.

1. THE CONSTITUENT ASSEMBLY (CA) ADJOURNED ON DECEMBER 16
FOR THE CHRISTMAS HOLIDAYS CONCLUDING THE DEBATE ON
GENERAL PRINCIPLES EMBODIES IN THE DRAFT CONSTITUTION.
IN THE COURSE OF THE MONTH AND HALF DEBATE, ALL BUT
ABOUT 30 OF THE 230 MEMBERS GAVE THEIR VIEWS ON A WIDE
RANGE OF ISSUES, MOST NOTABLY, PRESS FREEDOM, THE CREATION
OF NEW STATES, EXECUTIVE PRESIDENCY, AND THE ROLE OF THE
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SHARIA COURT. THE CA WILL RECONVENE ON JANUARY 9 AND
BEGIN COMMITTEE OF THE WHOLE EXAMINATION OF THE DRAFT
CONSTITUTION.

2. THE FINAL WEEK OF GENERAL DEBATE WAS MARKED BY A
LAST FLURRY OF CONFRONTATION WITH THE DAILY TIMES (DT). IN
A CONTINUATION OF THE BATTLE REPORTED IN REFTEL A, THE CA

ADOPTED A RESOLUTION INTRODUCED BY K. O. MBADIWE (IDEATO/IMO STATE) CONDEMNING THE DT FOR THE DECEMBER 6 EDITORIAL ATTACK ON THE CA ENTITLED 'A CALL FOR SANITY.' THE RESOLUTION, SECONDED BY ROTIMI WILLIAMS AND PASSED BY GENERAL ACCLAMATION, CALLED ON THE DT FOR A PRINTED APOLOGY. WHEN THIS WAS NOT FORTHCOMING, THE CA SECRETARIAT SENT A LETTER TO THE DT BANNING DT REPORTERS FROM TWO FINAL SESSIONS BEFORE ADJOURNMENT, ALL OF WHICH MADE THE DT FRONT PAGE.

3. THE CA ACTION WAS WIDELY CONDEMNED BY THE PRESS. THE NIGERIAN OBSERVER TERMED IT 'A DIRECT NEGATION OF THE OPEN DOOR POLICY OF THE MILITARY GOVERNMENT WITH REGARD TO FASHIONING A LASTING CONSTITUTION FOR THE COUNTRY.' THE DAILY SKETCH CALLED THE CA ACTION 'UNFORTUNATE' AND 'STIFLING FREE SPEECH' WHILE THE NEW NIGERIAN ACCUSED THE CA OF 'BLOODY-MINDEDNESS.' SEVERAL CA MEMBERS EXPRESSED MISGIVINGS AS WELL.

4. THE TEMPEST DISSIPATED ON FRIDAY WITH ADJOURNMENT AND CA CHAIRMAN UDOMA SUGGESTED THAT THE MEMBERS SHOULD GET A GOOD REST OVER THE HOLIDAYS FOR WHAT THEY HAD BEEN DOING WAS NOTHING COMPARED TO THE VOLUME OF WORK TO BE DONE IN COMMITTEE CONSIDERATION.

5. COMMENT: SO FAR SO GOOD. ANY EVALUATION OF THE CA'S PERFORMANCE UP TO NOW WOULD HAVE TO BE GUARDEDLY POSITIVE.
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PLUS POINTS INCLUDE THE FACTS THAT THE IMPORTANT ISSUES HAVE BEEN DEBATED AND A NETWORK OF RELATIVELY AMICABLE PERSONAL AND PROFESSIONAL RELATIONSHIPS HAS DEVELOPED BOTH IN THE CHAMBER AND IN THE CORRIDORS. NEGATIVE POINTS, HOWEVER, MUST INCLUDE THE TENDENCY OF THE ASSEMBLY TO GO OFF ON EMOTIONAL TANGENTS SUCH AS THE PRESS CONTROVERSY AND THE ACCOMMODATIONS SQUABBLE (REF E).

6. HOWEVER, AS UDOMA IMPLIES, THE HURDLES WILL BECOME PROGRESSIVELY HIGHER AFTER JANUARY 9. IN A SENSE WHAT HAS HAPPENED UP UNTIL NOW IS STAGE SETTING AND PROLOGUE. THE CENTRAL CHALLENGE, AS WE SEE IT, IS WHETHER OR NOT THIS SOMEWHAT UNWIELDY AND PERIODICALLY MERCURIAL BODY CAN SUCCESSFULLY EVOLVE WITHIN ITSELF THE KINDS OF POLITICAL COMPROMISES WHICH WILL BE NEEDED TO BUILD A VIABLE CONSTITUTION.

7. IN AN EXTENDED CONVERSATION WITH AN EMBASSY OFFICER LAST WEEK, ABUBAKAR RIMI (GWARZO/KANO STATE), ONE OF THE LEADING YOUNGER CA MEMBERS, EXPRESSED CONFIDENCE THAT THE ASSEMBLY WILL ULTIMATELY MEET THE CHALLENGE. 'THIS ASSEMBLY MUST (EMPHASIS) PRODUCE A CONSTITUTION. IT

HAS ABSOLUTELY NO CHOICE. AND ALL OF THE MEMBERS KNOW THAT FACT.' IN RIMI'S VIEW, THE COMPROMISES CAN BE DEVELOPED AND INDEED ARE ALREADY BEING FASHIONED. THE DIFFICULT PROBLEM WILL BE TO CARRY THEM TO THE FLOOR AND HAVE THEM ACCEPTED BY THE ENTIRE CA.

8. IF RIMI IS CORRECT, THEN WE MAY SEE A SERIES OF ARRANGED PACKAGE DEALS AS THE CA GOES ABOUT ITS BUSINESS DURING COMMITTEE CONSIDERATION. SUCH A DEAL CONCERNING THE SHARIA ISSUE MAY BE IN THE EMBRYONIC STAGES IN THE PROPOSAL BY CA APPOINTED MEMBER MOSES BALOWNU THAT A SHARIA APPEAL FUNCTION BE INCORPORATED INTO AT LEAST A SECTION OF A FEDERAL APPEAL STRUCTURE. ON THE FINAL DAY OF THE DEBATE, THE IDEA WAS COMMENDED BY ROTIMI WILLIAMS. CONFIDENTIAL

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9. IF ARTFUL COMPROMISES CAN BE COMBINED WITH ARTFUL POSTPONEMENTS OF OTHER ISSUES, E.G., CREATION OF NEW STATES, THEN THE ASSEMBLY WILL PRODUCE A NEW CONSTITUTION. AS RIMI NOTED, IT HAS NO CHOICE. END COMMENT. EASUM

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